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C O N F I D E N T I A L SECTION 01 OF 04 LUANDA 000785

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STATE FOR AF/S, EB AND DRL
STATE PASS TO USAID AFR/SD ELOKEN, IMACNARIN
STATE PASS TO USAID DCHA/DG ECONNERLEY

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SUBJECT: ANGOLA PROVINCIAL NOTES - HUMAN RIGHTS PROTECTION
IN DIAMOND RICH LUNDA NORTE LIMITED BY CAPACITY AND
POLITICAL WILL (PART 3 OF 3)

REF: A. LUANDA 696
[B. LUANDA 700](#)

Classified By: CDA Francisco Fernandez for reasons 1.4 (b) and (d)

[¶1.](#) (C) Summary: Diamond prospecting, legal or otherwise, is the only game in town for the majority of the people in Lunda Norte province. Lunda Norte's diamond riches come packaged with reports of human right abuses committed by both government and private security forces against illegal diamond prospectors, but the situation on the ground is a complex and incestuous web of economic need and greed. The inadequate judicial system can't keep up with allegations of abuses and, without outside pressure, provincial leaders lack the political will to investigate and punish offenders. Luanda-based authorities are slowly bringing more attention to the issue. End summary.

[¶2.](#) (U) This cable is part three of a three part series on Lunda Norte province. Poloff visited Lunda Norte province from June 6-8th, 2007 with Dutch and British Emboffs. This cable focuses on human rights; reftel A covers economic development and voter registration, reftel B covers village life.

Concessions or No Concessions, Folks Gotta Eat

[¶3.](#) (U) The GRA legally considers diamonds as state property and grants exclusive concessions for alluvial and kimberlite mining through ENDIAMA, the state diamond parastatal. Any mining without state authorization is technically illegal, thus all independent garimpeiros (diamond prospectors) are subject to punishment by the state. Garimpeiros working illegally on concession lands run the highest risk of detection by private or government security forces. Concession owners generally employ private security companies and can also request supplemental support from police and/or military forces. Government security forces patrol throughout the province, but with limited personnel and wide-open spaces they must direct the majority of their efforts to areas with known diamond reserves. These same reserves are magnets to garimpeiros, who generally have no economic option other than diamond prospecting.

[¶4.](#) (C) Civil society leaders told Emboffs that the root of the problem is the exclusive land use granted to concession holders. When a concession is granted all residents are driven from the land and given compensation. Human right activists classify this compensation, generally a few hundred dollars, completely inadequate to start a new life, especially given the extremely high prices and scarce employment options in Lunda Norte (reftel A). Economic need pushes people to return time after time to diamond producing

areas. In addition, concession areas within that territory are poorly delimited and understood by both sides, opening the door for mistakes by garimpeiros and security forces who don't always know where concessions begin and end.

¶5. (C) For example, SDM (the Angolan Association for Mineral Development), a joint venture between Endiama and the Brazilian construction company Odebrecht, employs 700 locals for alluvial mining in a concession area along a remote 25 mile-long stretch of the Cuango River. Outside the company's gates, however, lies a boom town with an estimated population of 14,000 people, with no identifiable source of income (or water) other than diamonds in that same river. The inevitable illegal garimpeiros are thus vulnerable to threats by both public and private security forces when prospecting on the margins of the concession area.

¶6. (C) Provincial Governor Manuel Francisco Gomes Maiato conceded that exclusive use was a problem and laid out his proposed solution: concession owners would allow farming on the land and would also be required to employ and register Angolan miners who would pan the river for a salary but turn over all diamonds to the concession owner. Parliamentary Leader for the opposition Party for Social Renovation (PRS) Lindo Bernardo Tito told Poloff that Endiama plans to start issuing garimpeiro licenses to Angolan citizens in 2008, but expressed concerns that licenses will not be issued in a fair and transparent manner and that garimpeiros will not be offered a fair market price for their stones.

The Border's Revolving Door

¶7. (C) Illegal Angolan garimpeiros are only part of the problem; illegal immigrants from the neighboring DRC and

LUANDA 00000785 002 OF 004

southern and western Africa are drawn to Lunda Norte's diamond riches. The Angolan media often portrays the Lundas as being "invaded" by illegal immigrants and immigration, Police and Military officials run "cleansing operations" on a semi-continuous basis throughout the province. A current operation, referred to as Operation Tranquility in some media sources, resulted in the expulsion of thousands of foreign and domestic garimpeiros from concession areas. According to reports, Angolan garimpeiros were directed to return to their homes and foreign garimpeiros, primarily from the DRC, were trucked to and left at border crossings between Angola and the DRC.

¶8. (SBU) Governor Maiato expressed frustration over illegal immigration and stated that the GRA simply does not have the capacity to protect and monitor its borders or the vast interior of the province. He estimated that 80% of garimpeiros are illegal immigrants who simply return again and again through the porous border each time they are rounded up and deported. Maiato bluntly affirmed the GRA's right to control its borders and stated that illegal immigration needs to be hit hard. A senior National Police official stated that illegal diamond trafficking is a gateway for all forms of transnational crime, including trafficking of drugs, arms and people.

A Thin Line Between Legal and Illegal

¶9. (C) While soapbox talk of foreign migrant invasions plays well in the media, the GRA has created a legal mechanism to sell artisan diamonds regardless of their source of production. ENDIAMA subsidiary SODIAM (Angolan Diamond Trading Company) was created to buy and sell Angolan produced diamonds, and their local offices buy artisanal diamonds with no questions asked. SODIAM, originally created to stem UNITA's illegal diamond trade, works to ensure that artisanal diamonds stay in-country and under ENDIAMA's control. GRA's recognition that illegal mining will occur has led them to expand SODIAM's buying power through a partnership with Lazare Kaplan International (LKI), which operates SODIAM's

buying offices for the informal sector in parts of Lunda Norte and Sul.

¶10. (C) There is a low risk/high reward situation for the middle men greasing the wheels of the artisanal diamond trade. Middle men sell the garimpeiros' diamonds to SODIAM buying offices. Uneducated garimpeiros, especially illegal immigrants and ethnic Chokwe garimpeiros (who may not speak Portuguese) use the middle men to avoid direct contact with authorities who may question their citizenship or simply seize the illegally panned stones without compensation. According to anecdotal evidence, these middlemen are often foreigners illegally living in Angola. One civil society leader described the diamonds as illegal until the second they enter the SODIAM office, at which point they are legally sold to the state with no questions.

¶11. (C) Poloff met with one woman who works for the provincial government by day, teaches and is active in civil society organizations by night, and runs five garimpeiros on the side. She buys the garimpeiros food and supplies for extended stays in the bush, sells their finds to the local SODIAM office, takes out her up-front costs and splits the rest with them 50-50. She acknowledged that her garimpeiros were running a risk and would simply "need to flee" if found by the police. She sends them far from concession areas and works to keep abreast of planned police operations to better direct their prospecting activities. This divorced mother of eight says that this type of "entrepreneurial enterprise" is common practice in the province, a comment that matches the "everybody's doing it!" spirit encountered in conversations with other locals.

Lack of Capacity Makes it Easy to See No Evil

¶12. (SBU) The province faces severe capacity limitations in the protection of human rights. The predominately rural province has one court, one judge, two prosecutors and one very overcrowded prison, all located in the provincial capital of Dundo. Municipal police only have small temporary holding centers and must transport inmates to Dundo for long-term trial and imprisonment. Until recently there were no practicing lawyers in Lunda Norte to bring legal attention to human right violations, and the presence of international NGOs is extremely limited. Development Workshop and MSF Holland are the only international NGOs with a confirmed permanent presence in Lunda Norte, and the latter is closing

LUANDA 00000785 003 OF 004

down its program.

¶13. (C) The case backlog and sheer size of the province leave both urban and rural areas dependant upon traditional justice to resolve problems and conflicts. People try to resolve problems at the local level, as taking issues to higher levels takes more time, resources, and know-how than most people have. Human rights activists note that the lack of provincial oversight and the failure of police investigators to thoroughly investigate claims lead to situations in which so little hard evidence is gathered or available that it becomes difficult to confirm, much less prosecute, human rights violations.

That Pesky International Community!

¶14. (C) A lackadaisical approach is reflected at all levels of the provincial government. Governor Maiato described the human rights problems as "blown out of proportion" by the international community, and stated that illegal garimpeiros need to take responsibility for their decision to pan illegally. Maiato and police officials noted that the police have increased human rights training for officers, and the allegations of abuses have declined markedly in recent years.

They did not address our questions of allegations directed towards private security firms.

¶15. (C) Civil society leaders counter that police training doesn't "stick" due to the government's failure to punish human rights violators or those who ignore violations that take place on their watch. Civil society leaders state that allegations of abuses are simply not investigated or are quickly covered-up at the lowest possible level; even cases that make it to the provincial level are rarely acted upon. Space for criticism of the government is also limited. Civil society leaders reported self-censorship of their activities and criticism, as most are employed by the provincial government, which has a virtual lock on non-diamond employment in Lunda Norte.

Outside Pressure Creating Space for Change

¶16. (SBU) National and international authorities are beginning to fill gaps in action at the provincial level. Police and Ministry of Justice officials in Luanda have reacted quickly to cases for which hard evidence is brought to their attention by outside actors, such as the UN Human Rights Office or journalist and researcher Rafael Marques. A new program stemming from a partnership with the national Attorney General's office and the UN Human Rights Office (UNHRO) is training Human Rights Monitors at the provincial and municipal level. In addition, five recent law school graduates were hired and sent to Dundo in early July to create a Legal Assistance Center. The center, which is sponsored by the Luanda-based Bar Association, UNHRO, and Ministry of Justice, will offer legal services on all legal matters, but the UNHRO will pay the legal expenses in human rights related cases.

¶17. (U) The USG is also working to create a space for dialogue between civil society, communities, and the government at the municipal level through the USAID-sponsored Municipal Development Program (MDP), which Development Workshop is piloting in one Lunda Norte municipality. The MDP aims to create sustainable community forums, comprised of municipal administrators and community leaders, to discuss community development needs. Through visits to villages throughout Chitato municipality DW identifies and trains community organizers and leaders to collectively determine and communicate community development needs and projects. In anticipation of the GRA's plans to decentralize planning and funding, the MDP also works to train municipal administrators to involve civil society in local development. The MDP is funded in Lunda Norte by LKI.

¶18. (C) Comment: The lure of diamond riches brings people to the Lundas in droves to strike it rich. As long as there are no other options for Angolan residents of Lunda Norte, they will continue to pan for diamonds in the province's rivers, even with the threat of police and security guard action against them. The same is true of the foreigners crossing the porous border trapped in a revolving door of illegal entries and deportations. The GRA is attempting to put measures in place, such as licenses for garimpeiros and diamond buying offices for the informal sector, to legitimize employment and ensure that diamond profits remain in GRA coffers. International attention, including acknowledging

LUANDA 00000785 004 OF 004

the difficulty of the task and offers of capacity building for police and border guards may be the most useful tools available to improve the situation. There is no easy answer to the problem and given the capacity constraints it will take a long time to organize artisanal diamond prospecting legally and in full observance of human rights.

FERNANDEZ